

## **MEETING #50 December 3**

At a Joint Meeting of the Madison County Board of Supervisors on  
December 3, 2008 at 7:30 p.m. in the Madison County Administrative Center  
Auditorium:

PRESENT: Eddie Dean, Chairman, Eddie Dean  
James L. Arrington, Vice-Chairman  
William L. Crigler, Member  
Bob Miller, Member  
Clark Powers, Member  
V. R. Shackelford, III, County Attorney  
Lisa Robertson, County Administrator

Chairman, Eddie Dean called the meeting to order and stated that a  
quorum was present

Chairman, Eddie Dean stated the following cases would be discussed  
tonight:

Case Number S-12-08-58, which is a request by Francis Madison Graves,  
Jr. and Ann Martin Browning for a subdivision plat for rearrangement of property lines  
on Tax Map 31-38B and 31-38C and right-of-way relocation on Tax Map 31-38A and  
38B. The fifty-foot (50') right-of-way serves Lot 1, Lot 2 and Lot 3. The plat also shows  
a boundary adjustment of Tax Map 31-37A being combined with Tax Map 31-38C. This  
property is located off Route 603 near Decapolis (Hebron Valley Road), zoned A-1.  
(This plat was previously approved on November 3, 2004). The final plat has been  
approved by the Virginia Department of Transportation and the Madison Health  
Department.

Bill Gimbel, Surveyor, was present on behalf of the applicant to answer  
any questions pertaining to tonight's request.

After discussion, on motion of James L. Arrington, seconded by Clark  
Powers, the subdivision request is approved as recommended by the Madison County  
Planning Commission, with the following vote recorded:

Eddie Dean	Aye
James L. Arrington	Aye
William L. Crigler	Aye
Bob Miller	Aye

Clark Powers                      Aye

Case Number Z-12-08-59, which is a request by Carlyle Weaver to rezone 7.684 acres (two tracts of land, 18.049 acres total) from Conditional Residential, R-3 with proffers attached to Conditional Residential, R-3 with proffers attached. The purpose of this rezoning is to revise the proffers to allow for development of a senior housing tax credit project in addition to an active adult community. This property is located off Route 29 Southbound Lane and Route 660 near Madison. (This property was previously rezoned to Conditional Residential, R-3 with proffers attached on December 7, 2005). New proffers were received on December 1, 2008; also received a copy of a letter dated November 25, 2008 from the Rapidan Service Authority. Additional information was received today pertaining to elevation drawings for the proposed senior housing building.

John J. "Butch" Davies was present on behalf of the applicant and provided an overview of the case and stated the applicant was contacted by Virginia United Methodist Housing Development Corporation who own a part of twenty-six (26) entities around the State of Virginia that provide affordable housing for seniors. Additionally, he stated the property in discussion was brought before the Madison County Planning Commission to be developed as an adult community, meeting all federal criteria so as to not put a burden on the Madison County School System. It was also anticipated the development would meet a community need within Madison County. To date, there has been a change in the economy which has placed some impact on the issue, although there is still a need for affordable housing for seniors.

John J. "Butch" Davies advised the original intent had been to use the existing zoning of the property; however, after reviewing the language contained in the zoning document, it was noted that a senior housing community was different than an active adult community and the language contained in the document wasn't appropriate. He stated a review was made of the proffer with the developer in order to assess what issues would need to be addressed and modified; he also explained the process by which the applicant will submit the request and advised the applicant will not know whether the request has been approved until November 2009. Therefore, the applicant is currently trying to add to the proffers that are in place in order to have necessary documents in

place that will be needed to move forward with a senior housing community. Additionally the Virginia United Methodist Housing Development Corporation will require that the existing gates be removed.

John J. “Butch” Davies stated the project itself is seriously needed by the community; however, he feels the issue involving removal of the existing gate has created much hostility within the community.

Kavanaugh White was present and stated he always felt if an individual developed their land that had a fifty-foot (50’) right-of-way leading to the property and the owner wanted to develop the property to provide housing for more than four (4) residents, then the owner would need to build a state roadway based on existing state guidelines. In closing, he verbalized conditions about widening Courthouse Mountain Road which is privately owned and he asked if the State would assume the responsibility of maintaining the roadway in the future.

William Von-Raab was present and stated he visited Courthouse Mountain Road earlier today and was a bit worried about what might take place; however, after attending this meeting and hearing the explanation of what is being proposed, he feels things are under control with the exception of the following:

- 1) There is no definitive answer as to what the Virginia Department of Transportation or the Virginia United Methodist Housing Development Corporation will agree to (i.e. traffic study);
- 2) He feels the County should not proceed without really seeing how this request will affect the individuals who live on Courthouse Mountain Road; therefore, he feels a gate (or barrier) should be in place to prevent the traffic from spilling onto Courthouse Mountain Road.

Chris Miller was present to represent Area Aging Together Community Partnership that is working to build affordable housing for senior citizens; she also provided some input on some questions asked tonight; she stated there is a difference between what will be allowed and what’s competitive and the VHDA and the tax credit program are one of the most competitive programs in today’s housing market.

Additionally, she stated that although certain things may be allowed, points can be lost in comparison to other projects and can affect funding availability. Also, input has been gathered from entities regarding the increase in the population of seniors and feedback received from seniors has also been received.

Beth Pastore was present and agreed there is a need for affordable housing for seniors in Madison County; however, she does have concerns as to whether traffic from this development will be funneled along Courthouse Mountain Road (residential roadway) and also advised the previous rezoning request was approved only because there was to be “a gate” installed; however, she feels removing the existing gate will relinquish any protection previously established for the residents of Courthouse Mountain Road as a means of controlling traffic and destroys the original rationale for the existing rezoning. In closing, she strongly suggested the County proceed with what’s best for the community as a whole, and feels that new development should pay for new needed infrastructure, and lastly, suggested that a long-term vision be sought for the future of Madison County.

Shirley Workman was present and stated she has spent twenty-six years in Madison County caring for the elderly; she has dedicated the past five (5) years to get loan funding in place to keep Countryside Assisted Living facility open; she stated she competed each year and got knocked down because she didn’t “make the points” while other applicants did. In closing, she stated there is a definite need for affordable housing for seniors and there have been seniors who have moved to Orange or Culpeper because they couldn’t find a place in Madison County. She also stated she was unsure as to how much longer individuals can reside at Countryside Assisted Living facility for the current fee of \$35.00 per day.

She also does not feel the State of Virginia does a very good job of taking care of the elderly or low income residents and feels that Madison County needs to do something to keep our residents here and not force them to move outside the County – “they live here and they want to die here.”

Betty Sue Camper was present and stated that she resides on Courthouse Mountain Road; she verbalized concerns about the removal of the gate and the fact that this will increase traffic on Courthouse Mountain Road. She stated the roadway at

Madison Plaza is already in place and there wouldn't be any additional expense to utilize it. In closing, she stated the facility being discussed sounds great, also expressed concerns as to whether traffic will utilize Courthouse Mountain Road to access the Food Lion instead of using the entrance at the traffic light. She also verbalized concerns that people don't always take the less traveled route and are currently walking on private property and trespassing. She also questioned how a road can be made practical for some individuals and impractical for others.

Quayne Golden (of Courthouse Mountain Road) stated she has been a resident there since 2000. She stated Rt. 660 is a bad road and this is a residential section.

William Campbell was present and expressed concerns about a private road owned by the Virginia Department of Transportation; he also stated the County has an extreme need for housing for the elderly – the current land value and increase in future taxes will more than likely force the elderly to vacate their land and find somewhere else to live. In closing, he stated the County doesn't have enough facilities at the present time to serve the current senior population and also commented on the increase in property values during the past year and also feels that a tax break should be in place for the property that is being considered tonight for future development if the owner cannot develop it.

Mitch Goldberg stated this would be a change to their environment and would have an impact on the community.

Nan Coppedge, Director of Social Services, was present and stated there was a definite need for senior housing in Madison County; she stated this has been discussed for a long time and stated the Elderly Coalition has been working on looking at establishing housing for low-income residents provided through grant funding; however there aren't many locations in the County that have access to water/sewer. Additionally, she stated the grant provider informed the Elderly Coalition that one wouldn't have to go across Route 29 in order to receive services, but could access several key places along the Main Street. In closing, she feels the existing location being discussed tonight is ideal for meeting all the requirements the grant will offer and this is probably the only way any affordable housing for seniors will exist in the County.

Nanette Crowdus was present and verbalized concerns about many questions that have been unanswered by the developer and it's representatives; she feels the fact that affordable senior housing in the County is very clear but whether the proposed housing should be at the site of tonight's discussion is very unclear for various reasons. She stated the impact of the proposed development on residents of Courthouse Mountain Road is obvious and she feels the best option is to find a way to make the entrance to the proposed site be accessed by a state traffic light off Route 29. She stated there has been no mention of the impact on future taxes if the original plan approved in 2005 is voided and the new plan is approved as presented tonight. In closing, she asked if there are obvious tax credits being offered by the State for these types of structures, then what happens if (and because) a "not to profit" is involved in the ownership of the structure and if lower tax credits will be received (as based on a news article that indicated the tax will be 30% less than normal because of the fact the structure is being built and managed by a "not for profit" organization.

Amy Jordan was present and stated she fully enjoys the community of Courthouse Mountain Road; she acknowledged the need for low income housing in Madison County but isn't so sure the site being proposed is the best one for the residents who will live there. She is very concerned about the noise pollution which has increased in the years she has resided in her current location and is almost equivalent to the Washington beltway but without buffers. Additionally, she stated she is concerned about the terrain and how this might impose problems for seniors (high grading) and there are concerns about run-off and how this will impact the environment. In closing, she suggested the developer assess the entire fourteen (14) acres; although there has been approval for the entire active adult community, there are now proposals for a three-story building at the site and she feels this will be the largest development that Madison County has had; however, the population housed at the site will require transportation, access to services and she doesn't feel this is something the County should be hasty in making a decision about. In closing, she urged the Madison County Planning Commission to consider the request as a total package and look down the road a bit rather than to be quick about pursuing approval.

Larry Fanton of the Virginia Department of Transportation was present

and advised this is the first time he has had an opportunity to review the proffers associated with tonight's request; he provided an update of roadway requirements currently in place for the Virginia Department of Transportation and advised that most individuals believe the Department owns the right-of-way on all secondary roads, which is untrue as the majority of secondary roadways prescriptive easement and are owned by the property owners and are just maintained by the Department. Mr. Fanton stated they have not gotten a concept plan as of yet so he cannot give a definite answer yet. Bud Kreh brought up that if the property at the intersection of Routes 29 Business and 660 is developed, it will also have to use Rt. 660 as the entrance. Mr. Fanton stated that was correct. In closing, Larry Fanton provided an overview as to what portions of the proposed roadway plans meet Virginia Department of Transportation guidelines and the proposed sidewalks that will provide access for pedestrians to travel to the Madison Plaza for shopping. He also touched on the proposed entrances to the site and guidelines for private entrances versus commercial as established by the State and criteria for subdivision development and the need for a site plan.

Concerns were also raised and discussed regarding the following:

- 1) Definition of housing for the elderly;
- 2) Dedication of fifty-foot (50') right-of-way on Route 660;
- 3) Copy of VHDA regulations or standards requiring access to public road (if any) (or copy of written "point system" policy that applies);
- 4) Concept plan, professional (no magic marker) plus elevations for buildings proposed;
- 5) Specific maximum number of units consistent with zoning regulations (Article 7-3 of the Madison County Zoning Ordinance);
- 6) Can access to Route 660 be eliminated altogether (sole ingress and egress from Madison Plaza).

Rev. J. Robert Regan, Jr. was present on behalf of the developer and advised if the proposed facility is approved, it will be constructed in accordance with all guidelines and requirements as mandated by the Virginia Department of Transportation. Additionally, he advised the Company performs all work in a 'first class' manner and

everyone will be satisfied with the completed product and it will serve the people of Madison County very well.

John J. “Butch” Davies stated it is the intention of the applicant to be a “good neighbor” and he feels there are some unanswered questions that need to be dealt with before going forward with the application. Therefore, John J. “Butch” Davies asked that this case be tabled until the January 7, 2009 Joint Meeting to allow time to gather answers to questions that have been presented tonight.

James L. Arrington verbalized concerns about the proffers, to which V. R. Shackelford, III, County Attorney, stated that the Board couldn’t dictate what was to be contained in the proffers; however, the Board could always deny a request if the proffers did not contain adequate provisions for their concerns.

Lisa Robertson, provided input on proffers and how a proffer can contain specific uses for any said property, which appears to be what the applicant is trying to do.

V. R. Shackelford, III, County Attorney, advised there does appear to be some density issues pertaining to the aforementioned case.

V. R. Shackelford, III, County Attorney, strongly suggested that some members of the Madison County Board of Supervisors attend the Madison County Planning Commission Workshop Session if possible on Wednesday, December 17, 2008 @ 7:30 p.m.

With no further action being required by the Board, on motion of James L. Arrington seconded by Clark Powers, Chairman, Eddie Dean adjourned the meeting, with the following vote recorded:

Eddie Dean	Aye
James L. Arrington	Aye
William L. Crigler	Aye
Bob Miller	Aye
Clark Powers	Aye

Date: December 4, 2008